

**REMARKS/ARGUMENTS**

This case has been carefully reviewed and analyzed in view of the Official Action dated 20 September 2004. Responsive to the rejections made in the Official Action, Claim 1 has been amended to clarify the combination of elements which forms the invention of the subject Patent Application. Additionally, Claim 3 has been cancelled by this Amendment.

In the Official Action, the Examiner objected to the drawings under 37 C.F.R. § 1.84(p)(5), because they include a reference character not mentioned in the description. In particular, the Examiner noted the reference numeral 32 in Figs. 3 and 4 was not mentioned in the Specification.

The Specification has been amended to now reference the sticking layer 32 on the membrane sound capture device 3. Claim 1, the drawings of Figs. 3 and 4 and the Specification, page 3, lines 14 through 18 provide the antecedent basis for the amended language in the Specification. No new matter has been added by these changes. As the Specification now describes the reference numeral 32 shown in the drawings of Figs. 3 and 4, the objection to the drawing has been obviated.

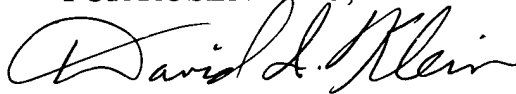
In the Official Action, the Examiner rejected Claims 1, 2 and 4 under 35 U.S.C. § 103, as being unpatentable over the admitted prior art in view of Newman, U.S. Patent No. 2,678,973 or Hazard, U.S. Patent No. 2,611,829. However, the Examiner kindly indicated that Claim 3 would be allowable if

rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, Claim 1 has been amended to incorporate the subject matter of Claim 3 therein. Therefore, Claim 3 has been effectively rewritten in independent form, including all of the limitations of the base claim, Claim 1, and any intervening claims, which there were none. Therefore, Claim 1 should now be allowable as should the claims dependent thereon.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,  
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Dated: 16 Dec. 2004

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